

REMARKS:

The preceding claim amendments and the following remarks are submitted as a full and complete response to the final Office Action issued on April 6, 2009. Applicants note that the rejection of claims 1, 2 and 7-9 as obvious over Kim et al. (U.S. Patent No. 7,388,099) in view of Richter et al. (U.S. Patent Application 2004/0147396) has been withdrawn. Claims 4-6 have been cancelled as being directed to non-elected inventions. Applicants reserve the right to file a divisional application for the subject matter of claims 4-6. Accordingly, claims 1-3 and 7-9 are pending. Reconsideration of all outstanding rejections is requested for reasons that follow.

Rejections under 35 U.S.C. §102

The Patent Office has maintained the rejection of claims 1-3 and 7-9 under 35 U.S.C. §102(e) as allegedly being anticipated by Kim, et al. (U.S. Patent Application No. 2006/0207938) ("Kim I"). Applicants respectfully disagree.

As the Patent Office noted, the Korean priority date of the present application, July 5, 2003, is earlier than the 102(e) date of Kim I, February 11, 2004. However, the Patent Office requires a certified English translation of the Korean priority document for the Applicants to rely on the Korean priority date to remove Kim I from prior art. Without acquiescing to the propriety of the Patent Office's position, Applicants submit herewith a certified English translation of the Korean priority document, Korean Patent Application No. 2003-0045523. See Exhibit A. Thus, Applicants respectfully submit that Kim 1 does not qualify as prior art against the present application under 35 U.S.C. §102(e). Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

The Patent Office has also maintained the rejection of claims 1-3 and 7-9 under U.S.C. §102(a) as allegedly being anticipated by Jon et al. (JACS 125:10186-10187, 2003) ("Jon"). The Patent Office asserts that the declaration under 37 C.F.R. 1.132 filed December 30, 2008 ("132 Declaration 1") is insufficient to overcome the rejection because the inventive entity of the present application remains different from that of Jon and, thus, Jon is still considered to be an invention by "another." Applicants respectfully disagree.

As demonstrated in the 132 Declaration 1, the three authors of Jon who are not listed as inventors of the present application — Soo-Young Kim, Young Jin Jeon and Jae Wook Lee— did not make any inventive contribution to the inventions of claims 1-3 and 7-9. However, the Office Action indicates that the inventive entity of the present application includes Woo Seong Jeon and Kangkyun Baek who are not listed as authors of Jon. As set forth in the attached declaration by the inventors of the present application (Exhibit B), Woo Seong Jeon and Kangkyun Baek did not contribute to conception or reduction to practice of the subject matter of any of claims 1-3 and 7-9. That is, the inventors who are also authors of Jon are the sole inventors of claims 1-3 and 7-9 and Woo Seong Jeon and Kangkyun Baek are not the inventors of claims 1-3 and 7-9. Instead, Woo Seong Jeon and Kangkyun Baek are the co-inventors of claims 4-6 with the rest of the inventors. Thus, the teachings of Jon cited to reject claims 1-3 and 7-9 are the inventors' own work and thus cannot constitute prior art with respect to the rejected claims. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

In addition, it is noted that claims 4-6 has been withdrawn from examination because they were not elected in response to the restriction requirement mailed April 9, 2008. Applicants have cancelled claims 4-6 as non-elected inventions, which

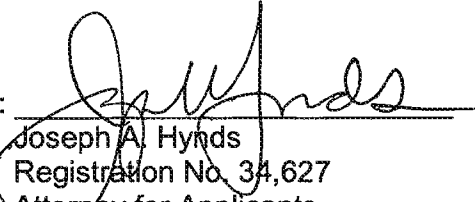
results in claims 1-3 and 7-9 pending in the present application. Thus, Applicants have concurrently submitted a petition to correct inventorship by deleting Woo Seong Jeon and Kangkyun Baek who are not co-inventors of claims 1-3 and 7-9. See Exhibit C.

Double Patenting

Claims 1 and 3 have been rejected as unpatentable under obviousness-type double patenting over claim 3 of U.S. Patent No. 7,504,029. Without acquiescing to the propriety of the Patent Office's position in this rejection, Applicants have obviated this rejection by filing a terminal disclaimer. See Exhibit D. Reconsideration and withdrawal of this rejection is respectfully requested.

In light of the foregoing, Applicants submit that all outstanding rejections have been overcome, and the instant application is in condition for allowance. Thus, Applicants respectfully request early allowance of the instant application. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

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